



VIRGINIA COMMISSION ON YOUTH

Meeting Minutes

Commission on Youth Meeting

Virtual Meeting

October 21, 2020

1:00 p.m. – 3:00 p.m.

Commission Members:

Senators: Dave Marsden, Barbara Favola, David Suetterlein

Delegates: Emily Brewer, Rob Bell, Joshua Cole, Karrie Delaney, Elizabeth Guzman

Citizen Members: Dede Goldsmith, Chris Rehak, Avi Hopkins

Not Attending:

Delegate: Jay Jones

Staff Attending:

Amy Atkinson, Will Egen

I. Call to Order and Opening Remarks

The Honorable Dave Marsden, Chairman

Senator Marsden welcomed Commissioners and the public and asked members of the Commission to introduce themselves.

II. Legal Guardianship of a Minor by Court Petition

Will Egen, Senior Policy Analyst

Mr. Egen presented an overview of the study and of the Advisory Group's discussion, which included 1) considering a proposal to institute a legal guardianship model in Virginia, 2) family partnership meetings (FPMs), and 3) Kinship Navigator programs.

Key points of the Advisory Group discussion:

- **Legal Guardianship:** The Advisory Group recommended that all guardianship options be studied further by DSS.
- **Full/Permanent Guardianship:** Members supporting this option did so because legal custody would remain in use for parent to parent custody issues, because

guardianship is better understood by health insurance companies, and because relatives are more receptive to pursuing guardianship than taking custody away from parents. Members against this option were concerned about its legislative complexity, the necessity for court review and increased court involvement, and that parental rights may be harmed.

- **Limited Guardianship:** Generally, members favored this option over full/permanent guardianship, and Senator Favola suggested be limited to no longer than 12 months with the option of renewal. Some members were concerned about securing the consent of both parents, and that this option would overburden the court.
- **Family Partnership Meetings:** The Advisory Group recommended that the Board of Social Services develop any necessary regulations relating to FPMs.
- **Kinship Navigators:** The Advisory Group recommended introducing a budget amendment to enact a statewide Kinship Navigator program.

Senator Marsden opened the floor for questions and comments.

Senator Favola noted the need for formalizing kinship care. Limited guardianship would give kinship caregivers powers such as the ability to enroll children in school and direct medical care, and would allow Virginia to draw down Family First dollars to support families. She noted that limited guardianship was a voluntary arrangement made by parents, and that parents could petition the court to revoke limited guardianship at any time.

Senator Marsden noted that any guardianship option would be a major change in law and agreed that it would be prudent for DSS to study the issue further. Delegate Brewer expressed her hope that further DSS study would solve any potential issues.

This presentation can be accessed on the Commission's webpage under the meetings tab.

III. Education in Local Juvenile Detention Centers

Amy M. Atkinson, Executive Director

Ms. Atkinson began her presentation by noting that, as a direct result of work done by the Department of Juvenile Justice and by members of the General Assembly, juvenile detainment in local detention centers is down dramatically. However, the funding of education in detention centers has increased. The purpose of the study is to assess how education is delivered in detention centers and to make recommendations on how to improve the efficiency and effectiveness of education in detention.

Ms. Atkinson gave an overview of detention in Virginia, including: demographics of students, historical and current capacity vs. average daily population (ADP), student length of stay, State Operated Programs (which provides education in detention), testing and evaluation in detention, daily class schedules, funding and appropriations, and draft recommendations. Key points from the presentation included:

- Of the 24 detention centers in Virginia, ten have Community Placement Programs (CPPs), which allow juveniles who would otherwise be remanded to the Bon Air Correctional Facility to be placed close to their home communities.
- Senator Marsden noted that CPP programs are the single most significant factor to reduce recidivism because juveniles are placed closer to home.
- In 2002, detention facilities were at capacity or over capacity. Due to policy and legislative changes, the average daily population has steadily decreased by about half, while capacity has stayed about the same.
- Currently, about half of juveniles stay in detention 10 days or fewer and about three quarters of juveniles stay 25 days or fewer.
- Evaluations/testing in reading and math is required for students who remain in detention for 90 days or more. Detention centers test students within 72 hours of arrival to capture baseline data. For the 8 percent of youth who remain in detention for 90 or more days and are tested again, gains tend to be more pronounced in reading vs. math.
- Senator Favola stated she would like to be able to measure academic progress for students who stay in detention for less than 90 days.
- Since 2009, SOP funding has increased slightly, while average daily population in detention has decreased by about half. Cost-per-seat varies among detention centers. For FY 2019, detention centers with lower teacher salaries, those with higher student populations, and/or those employing part-time staff or utilizing dually certified teachers generally had a lower cost-per-seat average. Laurie Cooper, State Operated Programs, Virginia Department of Education was on the phone call and explained that some detention centers had a higher cost-per-seat average because of a high teacher salary scale (Northern Virginia) and/or a low average daily population.

Ms. Atkinson reviewed draft recommendations. She noted that many of the recommendations presented were not discussed or approved by the Advisory Group. Key points of the Advisory Group discussion included the following:

- Members generally did not want to emphasize the need to cut costs in the language of the recommendations.
- Members generally wanted to emphasize that students were entitled to an education that was at least comparable to that provided by the public school system, and did not support recommendation language that did not clearly state that the quality of education for short-term detention students would be maintained.
- Members supported efforts to ensure that school divisions followed existing regulations that directed them to ensure a seamless transition for detention students returning to their home school.

Senator Marsden opened the floor for discussion.

Senator Favola stated that the Commission should be very clear in its recommendations that they are expecting educational outcomes that are at least as good as they are now.

Delegate Guzman stated that she would support a plan that cut costs without reducing the quality of services. She also stated that she hoped that the money saved would be reinvested elsewhere to help at-risk youth in other ways.

The group discussed the need to visit more facilities and the difficulties of doing that during the COVID-19 pandemic.

This presentation can be accessed on the Commission's webpage under the meetings tab.

IV. Division of Family Services Response to COVID-19

*Kristin Zagar, Director, Division of Family Services, Virginia Department of Social Services
Em Parente, Foster Care and Family Engagement Program Manager, Virginia Department of Social Services*

The Virginia Department of Social Services gave a presentation on DSS's response to COVID-19. Key points included:

- DSS disseminated information on COVID-19; used Compass mobile devices to have virtual meetings and visitations when possible; issued some waivers on some mandated requirements for the duration of the state of emergency; and helped older youth secure benefits such as unemployment and stimulus funds.
- To help support foster youth who turned 21 during the pandemic, DSS used federal independent living funds to make emergency payments. However, these funds will run out in December.

Senator Marsden opened the floor for discussion.

Senator Favola asked how payments could be extended beyond December. Senator Marsden requested that DSS staff to explore ways to extend funding.

This presentation can be accessed on the Commission's webpage under the meetings tab.

V. Adjourn

Senator Marsden gave direction on public comment, and thanked Commission members and members of the public for attending.

The meeting adjourned at 3:22 p.m.

The video of this meeting can be found at the following link: [Meeting Video Archive](#)